

DA

File 23-000-133, "Gen'l. Info."

Ref 352



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL RESOURCES

1875 New Hope Street
Norristown, PA 19401
215 270-1920

File

May 9, 1989

Mr. Stephen C. Martini, Manager
Environmental Engineering
Sun Refining and Marketing Company
P. O. Box 426
Marcus Hook, PA 19061-0426

Re: Spill from Tank No. 611 on
January 23, 1989

Dear Mr. Martini:

On January 23, 1989 about 4200 gallons of straight run gasoline spilled from tank No. 611 at Sun Refining and Marketing Company's petroleum refinery located in Marcus Hook Borough, Delaware County, PA. The spill was contained within the diked area surrounding the tank but an unknown amount was evaporated into the outdoor atmosphere. Traffic on nearby Route 13 was detoured for about one hour as a precautionary measure. The cause of the tank overflow was a faulty level indicator that has since been repaired.

The Department has determined that the volatile organic compound emissions described above were in violation of Sections 121.7 and 123.1(a) of the Department's Rules and Regulations and, therefore, Sections 8 and 13 of the Pennsylvania Air Pollution Control Act, 35 P.S. § 4008 and § 4013.

The Department is responsible for enforcement of the Pennsylvania Air Pollution Control Act, including the recovery of monetary civil penalties for violations of Commonwealth law. To avoid litigation, we are willing to resolve this matter by accepting a monetary civil penalty payment for the specific violations described above. We are proposing a settlement on the following basis:

1. By May 31, 1989, Sun Refining and Marketing Company will pay two thousand dollars (\$2,000.00) to the Pennsylvania Clean Air Fund by means of a check made payable to the "Commonwealth of Pennsylvania - Clean Air Fund."
2. Upon receipt of the above payment and this signed agreement, the Department agrees to forego any further monetary civil penalty enforcement action against Sun Refining and Marketing Company for the specific violations and dates mentioned above.

Mr. Stephen C. Martini, Manager
May 9, 1989

- 2 -

3. Notwithstanding the above, nothing in this agreement shall be construed to relieve Sun Refining and Marketing Company of any liability for unknown effects of violations described herein which may arise or be discovered in the future.

If our settlement proposal is acceptable, please have all copies of this agreement signed and dated on or before May 31, 1989. Two corporate officers must sign (President or Vice President, and Secretary or Treasurer), and the corporate seal must be affixed to each copy. Please return all copies of this agreement to our office at the above letterhead address. We will then execute the agreement on behalf of the Department and return an executed copy to you for your records.

All required penalty payments should be forwarded to:

Chief, Division of Abatement and Compliance
Bureau of Air Quality Control
Department of Environmental Resources
First Floor, Executive House
P. O. Box 2357
Harrisburg, PA 17120

Payment shall be accompanied by form number ER-AQ-3, a copy of which is enclosed.

Please be notified that after May 31, 1989, this settlement proposal will become void, and we will pursue other enforcement alternatives.

Mr. Stephen C. Martini, Manager

May 9, 1989

- 3 -

If you have any questions, please contact me.

Very truly yours,

Richard L. Ruhl

RICHARD L. RUHL
District Supervisor

FOR THE DEPARTMENT:

Louise S. Thompson 6/23/89

Louise S. Thompson Date

Assistant Counsel

Approved as to Form and Legality

N. Rao Kona 7/5/89

N. Rao Kona Date

Regional Air Pollution Control Engineer

FOR SUN REFINING AND MARKETING COMPANY:

H.S. Roe 5-31-89
Signature Date

H. S. Roe, Jr.
Name

Vice President
Title

C. L. Guard 6/2/89
Signature Date

C. L. Guard
Name

Secretary
Title

Corporate Seal.

cc: File 23-~~000~~-133
Office of Chief Counsel - Eastern Region
Regional Director
Compliance and Monitoring
Re 30 (COA)498